

In The United States Bankruptcy Court
For The Southern District of Texas
Houston Division

In Re: Rebecca Vindiola
Debtor(s)

Case No: 06-30456-H5-13

MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS

COMES NOW, William E. Heitkamp, Chapter 13 Trustee filing this MOTION TO DISMISS, and would show the Court as follows:

The Chapter 13 Trustee moves to dismiss this case based on the debtor(s), failure to make required payments. At the time of the filing of this motion the debtors are delinquent \$8850.00, an amount constituting not less than 2 months of required payments.

The total amount of the payments due under the plan at the time of the filing of this motion is \$62,960.00. The total of all funds paid to the Trustee as of the date of filing of this motion is \$54,110.00. An itemized payment history may be obtained by contacting the Trustee's office by phone or accessing the National Datacenter's website at www.13datacenter.com.

NOTICE TO DEBTORS: YOU MUST DO ONE OF THE FOLLOWING:

1. BRING YOUR PAYMENTS CURRENT WITHIN 15 DAYS OF THE DATE ON THIS MOTION.
2. FILE A RESPONSE WITHIN 15 DAYS THAT SHOWS THAT YOUR PAYMENTS ARE CURRENT.

IF YOU FAIL TO DO SO, THE BANKRUPTCY COURT WILL PROBABLY DISMISS YOUR BANKRUPTCY CASE AND MAY DO SO WITHOUT A HEARING. THE BANKRUPTCY COURT WILL NOT ALLOW PAYMENTS TO BE MADE AT THE HEARING.

If a timely response is filed, a hearing will be held on Tuesday, January 13, 2009 at 9:30AM at the U.S. Courthouse, 515 Rusk, Courtroom # 403.

WHEREFORE, the Trustee prays that the Court enter an Order of Dismissal or such other relief as may be deemed just and appropriate.

Respectfully Submitted,

/s/ William E. Heitkamp, Trustee
WILLIAM E. HEITKAMP, TRUSTEE
ADMISSIONS ID NO. 3857
9821 KATY FREEWAY, SUITE 590
HOUSTON, TEXAS 77024
713-722-1200

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U. S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 11/21/2008. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U. S. Bankruptcy Clerk's Office.

Electronically signed by
William E. Heitkamp, Chapter 13 Trustee